

Preventing Sexual Harassment in the Workplace



U.S. Department
of Transportation
Federal Aviation
Administration

Office Of Civil Rights

ACHIEVING SAFETY
THROUGH DIVERSITY

Presented to: FAA Employees

Prepared by: AMC-9

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Objectives

- Define sexual harassment;
- Identify the FAA's Policy on the Prevention of harassment;
- Discuss what is and what is not sexual harassment;
- List factors that contribute to sexual harassment;
- Discuss how to prevent sexual harassment; and
- List the role & responsibilities as a manager or employee relating to sexual harassment.

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What is Sexual Harassment?

Sexual Harassment ---

- is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.



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Sexual Harassment

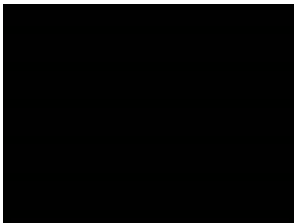
- unwelcome sexual advances,
- requests for sexual favors, or
- other verbal or physical conduct of a sexual nature,
- that explicitly or implicitly affects an individual's employment...



Sexual Harassment - Continued

- unreasonably interferes with an individual's work performance, or
- creates an intimidating, hostile, or offensive work environment.





FAA's Policy on the Prevention of Harassment

The policy states "harassment based on race, color, religion, sex (including pregnancy and gender identity), genetic information, national origin, age, disability (mental or physical), sexual orientation, or reprisal for participating in protected EEO activity will not be tolerated."

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Sexual Harassment - Two Types

1. "Tangible Employment Action" Sexual Harassment (formerly known as Quid Pro Quo or "this for that") and
2. "Hostile Work Environment"

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Tangible Employment Action

Usually more severe, but occurs less frequently than hostile work environment

and

can result from just one act of sexual harassment.

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Hostile Work Environment

A Hostile Work Environment is one in which unwelcome conduct or behavior of a sexual nature which would not have been taken but for his/her sex and which is sufficiently severe or pervasive that the offended party and a reasonable person would find that his/her conditions of employment have been altered.

Questions about Sexual Harassment that Help You Understand It

- Is it unwelcome?
- Is it of a sexual nature?
- Does it involve a tangible employment action, or
- Would a reasonable person find the behavior/conduct abusive or hostile? and
- Is it severe or pervasive enough to affect a term, condition or privilege of employment?

Hostile Work Environment Behaviors

Verbal:

Gay-bashing
Demeaning sexual
inquiries and
vulgaritys
Repeated
unwelcome
requests for dates

Offensive language
Offensive jokes
Other verbal or
physical conduct of
a sexual or
degrading nature

Hostile Work Environment Behaviors

- Continued

Non-verbal

Staring or leering
"elevator eyes,"
winking, licking lips,
gestures

Physical

Touching – brushing,
hugging, shoulder
rubbing, or pinching

Visual

Sexist or sexual
signs, cartoons,
calendars, literature,
or photographs
displayed in the office.

Electronic --- including
e-mail



Who Could Be A Sexual Harasser?

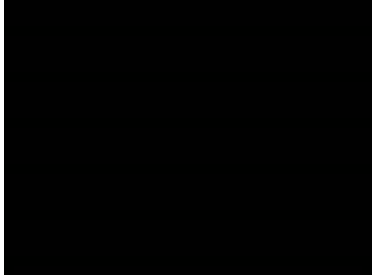
- Supervisors
- Co-workers
- Customers
- Contractors




Who Can Be Sexually Harassed?

- The harassment can happen to anyone by anyone including:
 - Male to female
 - Female to male
 - Male to male
 - Female to female
 - A combination of males and females against another individual or group.





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Peer to Peer Harassment

- Sexual harassment often involves persons of unequal authority, but it can occur between co-workers.
- Peer to peer harassment is often easier to stop. A direct and clear request to the offender to stop the behavior is often effective. If the request to the offender does not stop the behavior, the next step is to ask a supervisor to intervene.


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Same Sex Harassment

Unwelcome behavior does not have to involve persons of the opposite sex to qualify as sexual harassment.



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Harassment by “Non-Employees” or “Contractors”

An employer may be liable for harassment of its employees by non-employees;

- if the employer or its agents/supervisors knew or should have known of the conduct, and
- failed to take immediate and appropriate corrective action.

Addressing Sexual Harassment

If you observe discrimination or offensive behavior,

- request that the offending person or persons stop immediately;
- explain how the behavior is unacceptable; and
- if the behavior continues or occurs again, inform your supervisor or management official.

Addressing - Continued

- If the supervisor is the harasser, the employee should talk to the next highest level official in the supervisory chain.
- Employees may also report allegations to the Office of Civil Rights, Administrator's Hotline, Security, or the Accountability Board.

Should I Contact the Accountability Board?

- The Accountability Board provides oversight and ensures management is accountable for responding to allegations of misconduct and harassment that come under its scope.
- Employees must also be aware that electing to contact the Accountability Board will not extend the time period for filing a complaint with the EEOC or Merit Systems Protection Board or under a Collective Bargaining Agreement.

Other Steps to Address Sexual Harassment

Filing an EEO Complaint or Negotiated Grievance:

- If any employee or applicant believes s/he has been sexually harassed, s/he may file an EEO complaint on the basis of sex discrimination;
- Complaints must be filed within 45 days from when the harassment occurred.
- For procedures for filing a discrimination complaint, call 1-888-954-8688, <https://eeoefile.faa.gov>, or contact your Region/Center Office of Civil Rights.

FAA Employee Rights & Responsibilities

- FAA must ensure the work environment is free from inappropriate conduct.
- Employees have the right to file a complaint regarding inappropriate behavior without the fear of reprisal.

Manager's Responsibilities Towards Prevention of Sexual Harassment

- Display and distribute the FAA's Policy on the Prevention of Harassment.
- Understand what constitutes sexual harassment.
- Educate all employees on their rights and responsibilities under the FAA policy.
- Emphasize to all employees that sexual harassment will not be tolerated.
- Explain how offenders will be held accountable if they harass others.

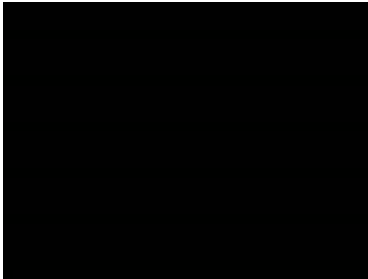
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Managers & Supervisors Must

- Support FAA policy against sexual harassment;
- Inform new personnel about the policy;
- Explain to employees what they can do if they feel harassed;
- Inform employees of the penalties of sexual harassment.

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Managers & Supervisors Must - Continued

- Schedule training for all employees on creating a discrimination-free work environment;
- Be approachable, nonjudgmental and responsive;
- Take every incident seriously.



Managers & Supervisors Must - Continued

- Report to the Accountability Board any allegations of reprisal for reporting or for cooperating in any investigation of allegations of sexual harassment.



Managers & Supervisors Must - Continued

Detailed information about the Accountability Board process can be found in FAA Order 1110.125A by visiting the Human Resources website.



https://employees.faa.gov/org/staffoffices/ahr/accountability_board/



Managers & Supervisors Should

- Consult with the Human Resource Office, before initiating a disciplinary measure.
- Familiarize him/herself with the Personnel Management System (PMS), Chapter III, and pertinent Chapters contained in Volume 4 of the Human Resources Policy Manual (HRPM) located on the AHR website at:
https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/hrpmtoc/

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Managers & Supervisors Must Not.....

- Tolerate or create a hostile work environment.
- Participate in or support language or behavior that may be considered sexual in nature.
- Ignore the issue because they are unsure whether it constitutes Sexual Harassment.

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Every Employee's Responsibility

- Know the Agency's policy on the "Prevention of Harassment."
- Must not create a hostile work environment and must not participate in or support language or behavior that may be considered as sexual in nature.
- **Think** before making personal comments.
- Set a positive example.



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Questions?

For more information contact:

- The Office of Civil Rights, or
- The Office of General Counsel

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ACR Management Information

- **Mamie Mallory, ACR-1, Assistant Administrator for Civil Rights and FAA Diversity Advocate**
- **Harnetta Williams, ACR-5 (202) 267-5794**
 - Director, National EEO Policy & Alternative Dispute Resolution
- **Vacant, ACR-6 (202) 267-7442**
 - Director, National Model EEO Program
- **Miriam Vega, ACR-7 (202) 385-8440**
 - Director, National EEO Outreach
- **Vacant, AMC-9 (405) 954-8672**
 - Director, National EEO Training Institute

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ACR Management Information Continued

- **Millie Strickland, ASO-9 (404) 305-5251**
 - Director, Civil Rights Southern Region, including the ATO Eastern Service Center for Boston, New York & Southern
- **Joyce Davis, ASW-9, AMC-9, AGL-9 (817) 222-5009**
 - Director, Civil Rights Southwest Region & the Aeronautical Center, including the ATO Central Service Center
- **Kelly Boodell, ANM-9 (425) 227-2805**
 - Director, Civil Rights Northwest Mountain & Alaska Regions, including the ATO Western Service Center
- **Cheryl Wilkes, ACT-9 (609) 485-6676**
 - Director, Civil Rights Technical Center & Washington Headquarters & EEO Complaint Services
- **Maria Sarra, AEA-9 (718) 553-3297**
 - Director, Civil Rights Eastern & New England Regions & Airport Non-Discrimination Compliance
- **Daryl Hart, AGL-9 (847) 294-7209**
 - Director, Civil Rights Great Lakes & Central Regions & Disability Airport Compliance
- **Michael Freilich, AWP-9 (310) 725-3948**
 - Director, Western Pacific Region & Disadvantaged Business Enterprise, DBE Compliance

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EEO Training

The Office of Civil Rights conducts EEO training in a variety of training modes, including instructor-led, e-learning via eLMS, webinars, video-conferencing, and ATN broadcasts. To learn more, contact the EEO Training Institute via email at:

9-AMC-EEO-Training-Institute@faa.gov

A list of training modules is available at the EEO Training Institute link on the ACR website at:

<https://employees.faa.gov/org/staffoffices/acr/>